



Certificate of Public Convenience and
Necessity Application

Sussex County

Southview



April 28, 2016

Mr. Kevin Neilson
Public Service Commission
861 Silver Lake Blvd.
Suite 100
Dover, DE 19904

Re: CPCN Application – Southview

Dear Mr. Neilson;

Enclosed you will find the CPCN application for Southview located in Sussex County, Delaware.

One original copy the application has been included. If I can be of further assistance upon your review, please do not hesitate to contact me at 302-747-1308.

Respectfully,

A handwritten signature in black ink, appearing to read 'J. C. Cuccinello', is written over a light blue horizontal line.

Joseph C. Cuccinello
CPCN Coordinator
Tidewater Utilities, Inc.

cc: Mr. Grover P. Ingle, SFMO w/enclosures
Mr. Ed Hallock, DPH w/enclosures
Mr. Stewart Lovell, DNREC w/enclosures
Mr. John Ashman, Sussex County w/enclosures

**APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY REQUIRED
TO BEGIN OR EXPAND THE BUSINESS
OF A PUBLIC WATER UTILITY**

BEFORE THE PUBLIC SERVICE COMMISSION

Application Fee \$300 for filing each extension to a CPCN
 \$750 for filing each original application for new water utility 26 Del. C. §114(a)

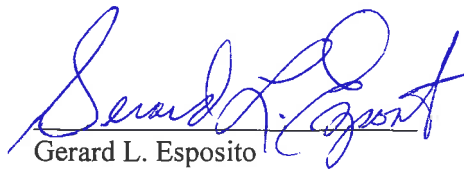
This form of application must be filed for each new and expanding water system pursuant to 26 Del. C. §203C.

WATER UTILITIES: SOUTHVIEW

1. Basis for application:
 - ☐ a. Water in the proposed service area does not meet the Regulations Governing Public Drinking Water Systems of the State Board of Health for human consumption; {26 Del. C., §203C (d)(2)(a)}; or
 - ☐ b. Water supply in the proposed service area is insufficient to meet the projected demand; 26 Del. C., §203C (d)(2)(b)}; or
 - ☐ c. The applicant is in possession of a signed service agreement with the developer of a proposed subdivision or development, which subdivision or development has been duly approved by the respective county government; {26 Del. C., §203C (e)(1)(a)}; or
 - ☒ d. The applicant is in possession of a petition signed by all of the parcel owners of the proposed territory to be served; {26 Del. C., §203C (e)(1)(b)}; or **Exhibit A**
 - ☐ e. The applicant is in possession of a duly certified copy of a resolution from the governing body of a county or municipality requesting the applicant to provide service to the proposed territory to be served; {26 Del. C., §203C (e)(1)(c)}.
2. To obtain a Certificate of Public Convenience and Necessity ("CPCN") to provide adequate water service to customers and meet the Regulations Governing Drinking Water Standards of the State Board of Health for human consumption {26 Del. C., §203C(a)}.
3. Tidewater Utilities, Inc. requests an informal fact finding procedure during review of application.
4.
 - (a.) Full legal name and address of Applicant:
Tidewater Utilities, Inc.
1100 South Little Creek Road
Dover, Delaware 19901
 - (b.) Full name of the Utility's designated representative:
Joseph C. Cuccinello
Emily R. Opdyke
 - (c.) Phone no: 302-734-7500 X1014 or X1012
 - (d.) Fax no: 302-734-9297
 - (e.) Email address: jcuccinello@Tuiwater.com or eopdyke@tuiwater.com
5. Supporting documentation required by 26 Del. C. §203C(e)(1), including evidence that all landowners of the proposed territory have been notified of application: **Exhibit B**
6. A complete list of county tax map parcel number(s) for the area covered by the application: **Exhibit C**
7. A complete list of county tax map parcel number(s) with corresponding names and addresses of property owners and a copy of the tax map(s) for the area: **Exhibit C**

8. The Applicant hereby certifies that the extension will satisfy the provisions of 26 Del. C. §403C, including:
- (a.) The Applicant is currently furnishing water to its present customers in Delaware in such a fashion that water pressure at every house supplies is at least 25 psi at all times at the service connection.
 - (b.) The Applicant shall furnish water to the house or separate location of each new customer in the Delaware at a pressure of at least 25 psi at each location or house at all times at the connection while continuing also to supply each old customer at a pressure of at least 25 psi at each house at all times at the service connection.
 - (c.) The Applicant is currently not subject to a finding by the appropriate federal or state regulatory authority that we have materially failed to comply with applicable safe drinking water or water quality standards; and
 - (d.) The Applicant is currently not subject to any Order issued by the Commission finding that Tidewater Utilities, Inc. has materially failed to provide adequate or proper safe water services to existing customers.
9. Copies of petitions signed by landowners showing all of the parcel owners of the proposed territory to be served agree with the filing of a CPCN to permit Applicant to provide them with public water. **Exhibit A**
10. Plan of service for the proposed service areas covered by this application: **Exhibit D**
11. (a.) A copy of the application must be sent to State Fire Marshall, Public Health Department, Department of Natural Resources and County Engineering/Utility.
- 1.) The current status of such application is: **Sent**
 - (b.) The Applicant provides the following additional information with this application;
 - 1.) A corporate history including dates of incorporation, subsequent acquisitions and/or mergers, **On PSC File**
 - 2.) A chart, which depicts the inter-company relationships, **On PSC File**
 - 3.) A map identifying all areas, including all towns, cities, counties and other governments subdivisions to which service is already provided, **On PSC File**
 - 4.) All copies of Applicant's annual reports to stockholders and that of its subsidiaries, and parent for the last two years, **On PSC File**
 - 5.) Applicant's audited financial statements, 10K's and all proxy material for the last two years, **On PSC File**
 - 6.) Any additional information required by PSC Staff will be made available on request.

Respectfully submitted,


Gerard L. Esposito
President

Certification of Landowner Information Accuracy

By submitting this application, Tidewater Utilities, Inc. hereby certifies that we have reviewed the appropriate tax or land record documents; and that according to those documents, the landowners identified in the parcel lists are the landowners of record and that the petitions contained in this application have been signed by the landowners of record.



Joseph C. Cuccinello
CPCN Coordinator

SINCE 1889

(302) 539-9797
FAX (302) 537-5306
townmgrtov@oceanviewde.com
www.oceanviewde.com

TOWN OF OCEAN VIEW

201 CENTRAL AVENUE
OCEAN VIEW, DE 19970

April 18, 2016

Public Service Commission
861 Silver Lake Boulevard
Cannon Building, Suite 100
Dover, DE 19904

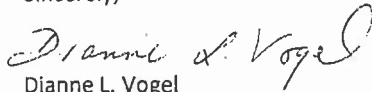
RE: CPCN Abandonment for Parcel: 134-16.00-386.00

Dear Commissioners:

This letter is to serve as official notice that the Town of Ocean View intends to abandon its Certificate of Public Convenience and Necessity (CPCN), with all rights and obligations under current law, for the current tax parcel: 134-16.00-386.00. This abandonment is contingent upon the Public Service Commission's approval of a CPCN application submitted by Tidewater Utilities, Inc. for the above parcel. If Tidewater Utilities Inc. does not submit an application for the above referenced parcel or the Public Service Commission does not approve such application, the Town of Ocean View wishes to retain the CPCN for the above referenced parcel.

If you should require any additional information, please feel free to contact me at 302-539-9797, ext. 104.

Sincerely,



Dianne L. Vogel
Town Manager
Town of Ocean View

cc: Kirsten Higgins, Tidewater Utilities, Inc.
Charles McMullen, Town Administrative Official

EXHIBIT

A

PETITION FOR INCLUSION

Tidewater (TUI) – Water Petition

1-877-790-9272

www.tuiwater.com

PETITION FOR INCLUSION IN TIDEWATER UTILITIES, INC. WATER SERVICE TERRITORY

In accordance with 26 Delaware Code 203-C., I/we, the undersigned, as the recorded property owners according to current tax records for the following property/properties, request to be included in the water service territory of Tidewater Utilities, Inc. I/We understand that all of the property owners must sign this petition in order for Tidewater Utilities, Inc to apply for a Certificate of Public Convenience and Necessity (CPCN) in order to provide water service to the following property/properties

Tax Parcel Number(s): 134-16.00-386.00

Property Owner(s): Adham Abouassali
Hakim Majd

Mailing Address: 1730 Wheyfield Dr
Frederick, MD 21701

Property Address: NE/Rd 361

Owner's Signature(s): ☒ 

Date: 3/29/16

Print Name: ☒ Adham Abouassali, Phone #: 301-471-9910

Owner's Signature(s): ☒ 

Date: 3/29/16

Print Name: ☒ Majd Hakim Phone #: 301-668-2249

Email Address: abouassali@yahoo.com

I UNDERSTAND THAT BY SIGNING THIS PETITION MY PROPERTY MAY HAVE TO REMAIN IN TIDEWATER UTILITIES, INC. SERVICE TERRITORY PERMANENTLY. I ALSO UNDERSTAND THAT IT MAY AFFECT MY ABILITY TO OBTAIN A PERMIT FOR A NEW WELL. IF YOU HAVE ANY QUESTIONS, COMMENTS, OR CONCERNS, PLEASE CONTACT THE PUBLIC SERVICE COMMISSION AT (302) 736-7500 (in Delaware, call 800-282-8574).



Map Search

Sussex County, Delaware - Zoning and Sales Information

PROPERTY DETAILS

- [General Information](#)
- [Appraisal & Assessment Info](#)
- [Sales Info](#)
- [Map of Property](#)

General Information

District-Map-Parcel:

1-34 16.00 386.00

Owner(s) Names:

ABOUASSALI , ADHAM MAJD HAKIM

Property Legal Description:

NE/RD 361

Billing Address:

1730 WHEYFIELD DR
FREDERICK , MD 21701

Land Use:

Residential, Single dwelling & lot

Zoning:

Town Codes

Town/Municipality:

Ocean View

Fire District(s):

Millville Fire District

Tax Ditch(es):

-No Ditch Records-

Sewer/Water**District:**

Bethany Beach - Summerfield

Watershed:

CHINCOTEAGUE

EXHIBIT

B



A Middlesex Water Company Affiliate

March 30, 2016

Certified Mail # 7011 0470 0000 2895 9366

Adham Abouassali
Majd Hakim
1730 Wheyfield Drive
Frederick, MD 21701

Dear Adham Abouassali & Hakim Mad,

Tidewater Utilities Inc. (Tidewater) would like to thank you for the receipt of your signed petition requesting Tidewater to provide water service to your property, 134-16.00-386.00 located in Sussex County.

Tidewater will be submitting an application for a Certificate of Public Convenience and Necessity (CPCN) with the Public Service Commission (PSC) on or about April 28, 2016. Included with this letter is information that we are required to provide to all landowners within a proposed service territory prior to filing the application for a CPCN.

When the CPCN is granted, Tidewater will have the permission to provide public water service to your parcel. It is important for you, as the landowner, to know that when water service is made available to your parcel you are not obligated to connect to our water system as long as your current water supply is functioning properly. If you agree to have your property be part of this proposed service area, no action on your part is required at this time. If you do not agree to have your property be part of this proposed service area you will need to complete the enclosed opt out/object form and send it back to the address on top of the form.

If you have any questions in regards to this matter please feel free to contact me at 1-800-720-9272 ext. 1014 or 302-747-1308.

Sincerely,

A handwritten signature in black ink, appearing to read "J.C. Cuccinello", is written over a horizontal line.

Joseph C. Cuccinello
CPCN Coordinator

"Southern Delaware's Premier Water Company Since 1964"

Tidewater Utilities, Inc. 1100 South Little Creek Road, Dover, DE 19901 www.tuiwater.com
(877) 720-9272 (302) 734-7500 Tel. (302) 734-9297 Fax

PROPERTY OWNER OPT-OUT/OBJECT FORM

Delaware Public Service Commission
861 Silver Lake Boulevard
Cannon Building, Suite 100
Dover, Delaware 19904

Dear Delaware Public Service Commission:

I/We are the recorded property owner(s), according to current tax records, for the following property/properties:

Tax Map Parcel Identification Number(s): 134-16.00-386.00

We received a notice from *Tidewater Utilities, Inc.* that it plans to file an application with the Delaware Public Service Commission for a Certificate of Public Convenience and Necessity (Certificate) to provide water service to a proposed service territory described by Tidewater Utilities, Inc. as SouthView (hereafter, "Proposed Service Territory").

_____ As permitted by applicable law, I hereby opt-out of *Tidewater Utilities, Inc.*'s proposed service territory. I understand that by opting out of the Proposed Service Territory, I may be charged additional fees if I later change my mind and choose to be included in the Proposed Service Territory and receive water service from *Tidewater Utilities, Inc.*

_____ I hereby object to the *Tidewater Utilities, Inc.*'s application for the Certificate of Public Convenience and Necessity. I understand that by objecting to the *Tidewater Utilities, Inc.*'s application I am not merely objecting to being included in the Proposed Service Territory (in which case, I may merely opt out as permitted by electing to opt out above), but rather am objecting to the Commission authorizing the *Tidewater Utilities, Inc.* to provide water service to *any territory* within the Proposed Service Territory, including, but not limited to, my own property. The basis of my objection is as follows:

Property Owner(s): *Property Owner Name* _____

Property Owner Address _____

Owner's Signature: _____ Date: _____

YOU SHOULD READ THIS NOTICE CAREFULLY.

Public records list you as a landowner of the property with the following tax map parcel identification number(s):«ParcelID». Within thirty-five (35) days, Tidewater Utilities, Inc. (TUI) plans to file an application with the Delaware Public Service Commission requesting a Certificate of Public Convenience and Necessity (Certificate) to provide water service to a new territory described as SouthView.

TUI HAS INCLUDED YOUR PROPERTY IN THE TERRITORY IT INTENDS TO SERVE. TUI IS UNABLE TO ESTIMATE WHEN IT WILL PROVIDE WATER SERVICE TO YOUR PROPERTY OR SOUTHVIEW.

IF YOU DO NOT TAKE ANY ACTION NOW, YOU MAY LOSE YOUR CHOICE OF WHO CAN PROVIDE WATER SERVICE TO YOUR PROPERTY AND WHETHER YOU CAN OBTAIN A WELL PERMIT.

- 1) You may choose to be included in the utility's proposed service territory. If you signed a petition for water service asking to be included in the utility's proposed service territory, [or, if you did not sign a petition for water service but want to be included, you do not have to take any action.
- 2) You have the right to "opt-out" of the utility's proposed service territory. If you "opt-out", your property will not be included in the utility's service territory. You can do this even though others in SouthView might desire water service from the utility. You should understand that being included in a utility's service territory does not mean that public water service will be immediately available to your property or that, when available, you will be required to hook-up to the public water system. However, if your property is included in the utility's water service territory, and later the water from the well providing your drinking water cannot be used, the Department of Natural Resources and Environmental Control might deny you a permit for a new well if public water is available to your property. On the other hand, if you elect to "opt-out" of the utility's service territory, but later change your mind and decide to connect to the utility's public water system, you could be charged additional fees.
- 3) You may object to the Public Service Commission granting a Certificate for SouthView. For example, you may object that the water utility does not have the legal right to serve the territory. You should review the law about what a utility must provide in order to obtain a Certificate (contact the Public Service Commission to obtain a copy of the law). If you file such an objection, you will need to tell the Public Service Commission why the utility should not receive the Certificate. Please note that an objection will not remove your property from a proposed service territory. To remove your property from the service territory, you must request to "opt-out."

Attached to this letter is a form which allows you (and other owners of the property) to exercise your options. You have seventy-five (75) days from your receipt of this notice to file your objection with the Commission. Although you may exercise your right to "opt-out" of the utility's service territory at any time before the Certificate is granted, if you choose to opt-out, it is requested that you complete the form and return it to the Public Service Commission at the address listed below within seventy-five (75) days from the date you receive this notice:

Delaware Public Service Commission
861 Silver Lake Boulevard
Cannon Building, Suite 100
Dover, Delaware 19904

If you want to “opt-out” or object, you must send the completed form to the Public Service Commission, even if you already informed the utility of your intent to “opt-out” or object.

If you have any questions, comments or concerns, please contact the Public Service Commission at (302) 736-7500 (in Delaware, call 800-282-8574).

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Adham Abouassali
Mojd Hakim
1730 Weyfield Drive
Frederick, Md 21701

2. Article Number
(Transfer from service label)

7011 0470 0000 2895 9366

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☒ Addressee

B. Received by (Printed Name)

Adham Abouassali

C. Date of Delivery

4-4-16

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage

\$

Certified Fee

Return Receipt Fee
(Endorsement Required)Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$

.48

3.45

2.80

\$

6.735

19961

MAR 30 2016

USPS

Sent To

Street, Apt. No.,
or PO Box No.

City, State, ZIP+4

PS Form 3800, August 2006

See Reverse for Instructions

EXHIBIT C

Exhibit C

Proposed Service Area

Tax Map Parcel Numbers

Acres

Owners

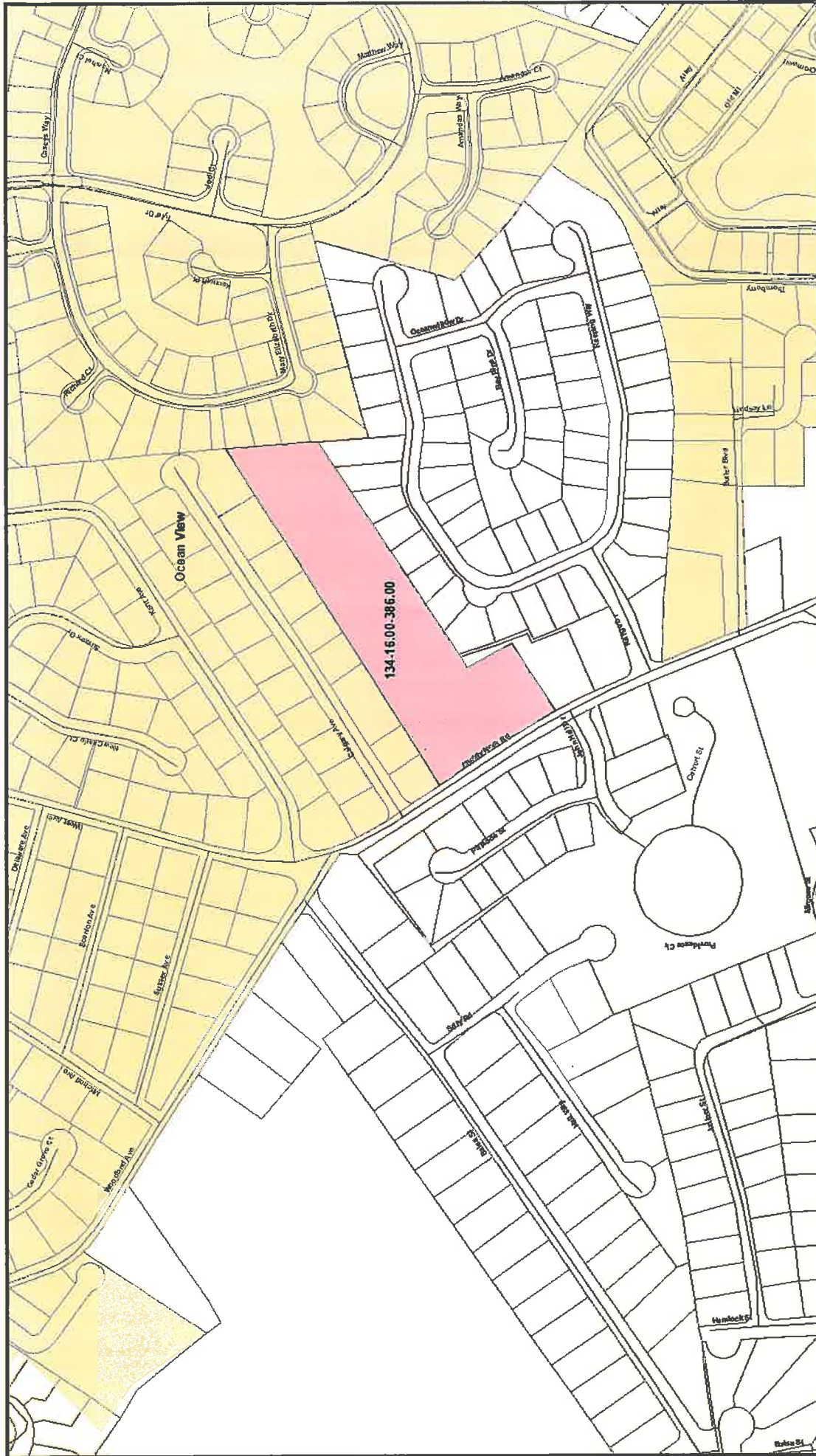
Service Area 1

134-16.00-386.00

6.47

Adham Abouassa
Majad Hakim
1730 WHeyfield Drive
Frederick, MD 21701

- Parcel 134-16.00-386.00 is an individual parcel located on the northeast side of Muddy Neck Road and approximately 430 feet from the intersection of Muddy Neck Road and Woodland Avenue.



A-16-005
 1 inch = 250 feet
Map 1



CPCN APPLICATION MAP WATER
SouthView
Sussex County, DE

TIDEWATER
 UTILITIES, INC.
 A Middlesex Water Company Affiliate

The information shown herein is for informational purposes only and does not constitute a contract. It is subject to change without notice. The actual layout of the system may vary from that shown on this map.

PLANT DATE: 02/02/2016
 DATE OF COMPLETION: 04/12/2017
 SHEET LAYOUT BASED ON THE DELAWARE STATE PLANE COORDINATE SYSTEM

EXHIBIT D

Plan of Service

Tidewater Utilities, Inc. (Tidewater) intends to provide water service to the parcel (134-16.00-386.00) of land located off of Muddy Neck Rd from an existing 12-inch water main, located on the northeast side of Muddy Neck Rd. Tidewater anticipates furnishing water service to the parcel within 30 days of receiving approval to provide water service to the parcel.